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Message Text

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ACTION EB-07

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DOTE-00 INR-07 NSAE-00 CIEP-01 FAA-00 L-03 /027 W
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P R 302145Z DEC 76
FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC PRIORITY 9378
INFO AMCONSUL RIO DE JANEIRO
AMCONSUL SAO PAULO

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E.O. 11652: N/A
TAGS: EAIR, BR
SUBJ: CIVAIR- BRAZILIAN POLICY RE CHARTER FLIGHTS FROM
GATEWAY CITIES

REF: (A) STATE 305292; (B) STATE 242519;
(C) BRASILIA 9942

1. SUMMARY. FOLLOWING ARE OUR COMMENTS ON PROPOSAL THAT EMBASSY PRESS GOB TO AGREE TO UNRESTRICTED NON-SCHEDULED CHARTER FLIGHTS FROM GATEWAY CITIES. END SUMMARY.

2. WITH RESPECT TO NACA RECOMMENDATION (REFTEL A, PARA 1), THE DEPARTMENT WILL RECOGNIZE THAT THE ASSURANCE SOUGHT IS REALLY A DEMAND THAT THE GOB COMPLETELY REVERSE ITS POLICY TOWARD CHARTERS. SUCH A SWEEPING DEMAND, EVEN WHEN ACCOMPANIED BY THE THREAT TO DENY VARIG'S US CHARTER OPERATIONS, WILL ALMOST CERTAINLY BE REJECTED OUT OF HAND. TO THE GOB RESISTANCE ON POLICY GROUNDS WOULD BE JOINED GREAT SKEPTICISM THAT THE USG WOULD REALLY BE PREPARED TO FACE THE CONSEQUENT BRAZILIAN RESTRICTIONS OF US PASSENGER CHARTER OPERATIONS FOR SCHEDULED AS WELL AS SUPPLEMENTAL CARRIERS. (TIA, FOR EXAMPLE,
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HAS CURRENTLY PENDING A SIZEABLE PACKAGE OF FLIGHTS WITH THE DAC, FOR WHICH TIA'S LAWYER, WITH WHOM CONGEN RIO HAS BEEN IN FREQUENT CONTACT, HAS NOT ASKED OUR ASSISTANCE.) EVEN MORE IMPORTANT, THE GOB WOULD BE ABLE, CORRECTLY, TO INSIST THAT, NOW THAT THE FUEL-TAX EXEMPTION HAS BEEN GIVEN TO

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NON-SCHEDULED CARRIERS (EVEN IF
BACKHANDEDLY AND DE FACTO), THE PROPER FORUM FOR
EXAMINATION OF THE ISSUE RAISED BY THE NACA IS
THE DISCUSSION OF A BILATERAL TO WHICH THE USG
COMMITTED ITSELF IN ITS NOTE OF SEPTEMBER 30
(REFTEL B).

3. THIS SAME LAST POINT, WE JUDGE, WOULD BE MADE IN REPLY TO
THE REPRESENTATIONS PROPOSED BY THE DEPARTMENT IN
PARAGRAPH 2, REFTEL A, INDEED, SUCH REPRESENTATIONS WOULD INVITE
IT. THE EMBASSY IS PREPARED TO MAKE THIS INFORMAL
APPROACH TO THE FOREIGN MINISTRY AND
DIRECTLY TO THE DAC PROVIDED THE DEPARTMENT IS
WILLING TO ACCEPT THE LIKELY BRAZILIAN RESPONSE
AND PERFORM ON THE US COMMITEMENT, BY AGREEING TO
DISCUSSIONS OF A POSSIBLE CHARTER AGREEMENT.

4. IF THE DEPARTMENT IS NOT PREPARED TO FOLLOW
THROUGH ON THE COMMITMENT OF SEPTEMBER 30
-- PERHAPS USING THE DODGE THAT THE
LIFTING OF THE FUEL TAX HAS NOT BEEN OFFICIALLY
CONFIRMED, THAT THE LIFTING IS OF INDEFINITE
DURATION, OR THAT A NEW, ADMITTEDLY NON-DISCRIMINATORY,
LEVY HAS BEEN IMPOSED -- UNDER THESE CIRCUMSTANCES
OUR RECOMMENDATION IS TO ACCEPT THE STATUS QUO;
I.E. SUBMISSION BY THE NON-SCHEDULED CARRIERS
OF PROGRAMS CONTAINING A MIXTURE OF GATEWAY
AND NON-GATEWAY CITY FLIGHTS. WE SEE NO
CHANGE IN GOB ATTITUDES AND THUS WOULD EXPECT THAT
GOB AUTHORITIES, AS IN THE PAST, WILL APPROVE MOST
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OF WHAT THE CARRIERS ASK FOR ON THIS BASIS.

5. IN ANY CASE, THE DEPARTMENT WILL UNDERSTAND
THAT THE GOB MAY RAISE WITH US SOONER OR LATER
THE QUESTION OF BEGINNING DISCUSSIONS FOR A
BILATERAL, ON GROUNDS THAT THE FUEL
TAX PROBLEM HAS BEEN RESOLVED. THE DEPARTMENT MAY
WISH TO BEGIN PREPARING ITS POSITION FOR SUCH
AN EVENTUALITY.
CRIMMINS

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